

REMARKS

The Official Action objects to claims 11 and 32 with respect to formalities. Claims 11 and 32 have been amended to correct these issues. The Official Action rejects claims 1-33, 36-37, and 41-43 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In this regard, the phrase "instance" has been replaced with the phrase "occurrence" and the rejected claim dependencies have been corrected to depend from claim 1, rather than canceled claim 38. As such, the amended claims distinctly point out and claim the subject matter which the Applicant regards as the invention and, consequently, the rejection under 35 U.S.C. § 112 is overcome.

The Official Action further rejects claims 1-7, 9, 15-22, 24-31, 36-37, and 41-43 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0049620 to Uchida et al. (hereinafter "Uchida") in view of U.S. Patent No. 6,249,765 to Adler (hereinafter "Adler"). Claims 8, 23, and 10-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida in view of Adler and in further view of U.S. Patent No. 6,430,359 to Yuen et al. (hereinafter "Yuen"). Claims 32 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Uchida in view of Adler and in further view of U.S. Patent Application Publication No. 2003/0020744 to Ellis et al. (hereinafter "Ellis").

Independent claim 1 has been amended to further recite "wherein the electronic programming guide is accessed in response to receiving a message including a reference to a recommended broadcast program, and wherein the at least one specific occurrence of a broadcast program is the recommended broadcast program." Support for this amendment can be found at least in paragraph [0029] of the publication of the present application. Independent claims 15 and 25 have been similarly amended, though each maintains its own scope. Independent claim 10 has been amended to recite "wherein the code for a specific occurrence of a broadcast program is received in a message that recommends the specific occurrence of a broadcast program."

None of the cited references, taken alone or in combination, teach the aforementioned elements now recited in the pending independent claims. As such, since each of the dependent claims include the recitations of a respective independent claim, the cited references, taken either individually or in combination, also fail to teach or suggest each of the dependent claims for at

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least the same reasons described above. As such, rejections of the claims as being unpatenable under 35 U.S.C. § 103(a) are therefore overcome.

CONCLUSION

In view of the remarks and amendments presented above, it is respectfully submitted that the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned agent to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above and thus Applicant will not take this opportunity to argue the merits of the rejection with regard to specific dependent claims. However, Applicant does not concede that the dependent claims are not independently patentable and reserves the right to argue the patentability of dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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